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TAGS: [PREL](#) [MARR](#) [KCRM](#) [CASC](#) [RP](#)
SUBJECT: MARINE CASE UPDATE 06/09/06

REF: A. STATE 92933
 [B](#). MANILA 2398
 [C](#). MANILA 2351
 [D](#). MANILA 2334 AND PREVIOUS

[1](#). (U) On June 9, the first full week of trial concluded in the case of four U.S. Marines accused in the alleged rape of a Filipina. Officials from Embassy's American Citizens' Services Unit, JUSMAG, Defense Attache's Office (DAO), and Regional Security Office, as well as from the Third Marine Expeditionary Force (III MEF), have been present during all trial sessions, and will continue to attend all sessions for the duration of the trial. As needed, Public Affairs Section staff also attend. Makati Regional Trial court Judge Pozon has ordered the Marines as well as the complainant to be present for all sessions. The trial will continue to meet four days per week throughout June; however, beginning June 19, sessions will be held Monday, Tuesday (instead of Wednesday), Thursday, and Friday.

[2](#). (SBU) Mission's working group on the case on June 9 reviewed and agreed again on existing logistical arrangements and other procedures. It meets on a weekly basis, or more often as needed.

[3](#). (SBU) Post has exchanged numerous diplomatic notes with the Philippine Department of Foreign Affairs (DFA), acting on behalf of the Court, on the issue of NCIS officers testifying at the trial (reftels). Per ref a guidance, no NCIS agents or locally employed staff (LES) has testified since the uncleared June 5 testimony of Mission's NCIS attache. On June 8, NCIS LES Tony Ramos was called to testify, but instead asserted through the prosecutor his right to refuse to testify under the Vienna Convention's archival inviolability provision (also ref a). Judge Pozon is currently reviewing this argument and did not hold Ramos (a Philippine citizen) in contempt, although he has raised this possibility. The subpoenas for all NCIS personnel will expire on June 14. The lead prosecutor told USDOJ Attache that Pozon will likely wait until then before making any comments or issuing any orders on this matter.

[4](#). (U) Judge Pozon issued an order confirming December 27, 2005 as the start of the one-year period for judicial proceedings in the case under the terms of the Visiting Forces Agreement. Pozon again stated his commitment to conclude the trial sometime in August.
Kenney